THE THIRD DAY.

24th February, 1926.

The Assembly met again at 11-30 A. M. on Wednesday, the 24th February, 1926.

25. Amendments to the Arms Regulation.

MR. P. CHACKO POTHEN (*Member, Peermade taluk*) said that the existing provisions of the Arms Regulation caused unnecessary inconvenience and hardship to the people generally and to the inhabitants of the Devicolam Division in particular. The license granted by one District Magistrate for the possession of firearms should enable the licensee to take it anywhere in the State and he should not be obliged to obtain a fresh license for its transport from place to place. Persons in the High Range Division paying income tax or land tax of Rs. 100 or above should be exempted from the necessity to apply for licenses for the possession of arms which they required for protection. Several licensees of previous years who had remitted the fees for the renewal of their licenses for the current year had not been granted licenses. Licenses should be arranged to be issued at once. While it was the duty of the Government to punish those who hunted in the reserved forests without license, it was unjust to refuse to issue any such licenses. A large number of Travancoreans were now carrying on paddy and tapioca cultivation in the High Ranges. As their crops were being destroyed by wild animals, the Government should be pleased to consider the prayers sympathetically without delay.

DEWAN'S REPLY: Mr. Chacko Pothen, in regard to the first point of your representation that licenses granted by one District Magistrate should hold good throughout the State, the Government are prepared to examine your suggestion.

2. In regard to the second point, I am afraid we cannot change the rules as they stand at present, for a variety of reasons, one among them being that the present rule was made in accordance with the broad principle that there should be only one uniform means of determining the right to hold a license; we should not have differential treatment.

26. Police Station for Kalavur.

MR. LONAN LONAN PILLAI (*Member, Ambalapuzha taluk*) urged the transfer of the police station from Mannancheri to Kalavur. The police station at Mannancheri was established years ago when there was considerable traffic in the adjacent backwater, but it had now survived its usefulness. Kalavur was more thickly populated and was gradually becoming an important centre between Alleppey and Shertallai and crimes frequently took place in the locality. The transfer of the police station as proposed would not involve any expense or inconvenience to the Police Department.

DEWAN'S REPLY: Mr. Lonan Pillai, I do not think you have succeeded in convincing the Government that the transfer of the police outpost from Mannancheri to Kalavur is justifiable. Kalavur is only a mile and a half west of Mannancheri and only four and a half miles north of Alleppey. Two outposts so near each other are not necessary. Furthermore, the outpost at Mannancheri is far from being a useless one. It becomes an item of expense to abandon the existing station building at Mannancheri and to embark on further expenditure at Kalavur.

27. Judicial Reforms.

MR. KANAKKU MATEVAN PILLAI PERUMAL PILLAI (*Member, Agastisvaram taluk*) spoke firstly about the delay in the civil courts and suggested the following measures to avoid it:—

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(i) The *Nazir* should classify summonses for first hearing according to *pakuthies* and direct their issue as early as possible.

(ii) Process-servers in search of defendants should be assisted by the *pakuthi* officers in finding out the persons.

(iii) Processes must be properly served at the first instance so as to avoid repeated issue.

(iv) Guardians and next friends to minors who are parties to a suit should be appointed without delay.

(v) In suits where there were several defendants or where the heirs of a party had to be impleaded as parties to the suit, proceedings must be taken without causing unnecessary delay and the presiding officer should supervise the service of processes.

(vi) Delays could be avoided if the courts at the first hearing of a suit recorded the pleadings in cases where the parties were at issue and if issues were framed then and there.

(vii) Issue of notice to the judgment-debtor at every stage in the execution of the decree was not necessary and the delay on this account could also be avoided.

The second point in the representation was the enhancement of the jurisdiction of the Village Panchayat Courts within Municipal areas to Rs. 100. The adoption of this course would be justified by the fact that the Panchayat Courts had fairly well established during the past nine years of their existence. It was also desirable to dispense with court fees in respect of petitions presented before Bench Courts.

The third point related to the transfer to Nagercoil of the Additional District Magistrate's court from Padmanabhapuram. The grounds on which he based his suggestion were that the District Magistrate's court was originally located at Nagercoil, and that by virtue of its importance as the second town in the State, Nagercoil deserved to have the District Magistrate's court stationed there.

The Member then pointed out the undesirability of locating more than one Munsiff's court in the same locality and suggested the removal of the additional Munsiff's court at Nagercoil to any important place in the Tovala or Agastisvaram taluk where the need for a Munsiff's court was keenly felt.

Fifthly, he suggested the enhancement of the small cause jurisdiction of the Munsiffs to 1,000 fanams and of their original jurisdiction to Rs. 2,500 including also power to try cases in which the Sirkar was involved.

The sixth suggestion made by him was the devolution of the revisional powers of the High Court over small causes and criminal cases to the District and Sessions Courts and the enhancement of the appellate jurisdiction of the District Courts to Rs. 1,500.

Seventhly, he emphasized the necessity for making Tamil the language of the courts in Nanjinad and deplored the want of process forms, etc., in Tamil.

He spoke next about recruitment to the judiciary and advocated the claims of the Nanjinad Vellalas for appointment in that department. No distinction should be made between B. L.'s practising in the District Courts and the High Courts in the matter of appointments to the Judicial service and he pressed the claims of the Nanjinad Vellala vakils for appointment as Magistrates.

The system of Munsiff-Magistrate should be tried experimentally in five of the more important stations in the State.

Lastly, he pointed out the necessity for posting in Nanjinad only officers whose second language at least was Tamil. Similarly, the copyists, clerks, and others to be appointed in the law courts in Tamil taluks should be chosen from among those whose optional language was Tamil or from those who had passed the Tamil Higher Examination. The adoption of such a course, the Member hoped, would remove the grievances of the people of those taluks arising from the ignorance of clerks in law courts who knew only Malayalam.

DEWAN'S REPLY: Mr. Perumal Pillai, the Laws Delays Committee which is shortly to be appointed will consider the portion of your representation

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relating to delays in the disposal of suits and execution applications, enhancement of the jurisdiction of Village Panchayat Courts in municipal areas, enhancement of the pecuniary jurisdiction of Munsiffs in small causes and original suits, and the grant of powers of revision to District Courts in small causes and criminal cases and vesting them with higher appellate powers than at present.

2. In regard to your request that the Additional District Magistrate's court be transferred from Padmanabhapuram to Nagercoil, I would refer you to the proceedings of the last Assembly—pages 107 and 108. The Member representing Padmanabhapuram in that session said :—" Rumour was there that the Additional District Magistrate's Court was also to be shifted to Nagercoil and, if this is true, Padmanabhapuram Fort will soon be deserted." To remove this apprehension, the Dewan then said that there was no such proposal before the Government. So you will see that if you want the court to be transferred to Nagercoil, there are others equally determined to have it at Padmanabhapuram itself. And it causes the least disturbance to leave the court where it is.

3. One of your suggestions is that more than one Munsiff's court should not be located at the same station. The view expressed by the High Court, I am sorry to say, differs from the view you hold. The High Court consider that it is more advantageous to locate more than one court at the same station than to establish other courts within a short distance of each other. You will readily understand that a few courts scattered about cause a good deal of inconvenience not only to the court-going public and to the practitioners of law but also to everybody concerned. It requires flitting from place to place ; it is better to have the courts concentrated at the same place. Your proposal would also involve additional expenditure under establishment.

4. In regard to your representation that proceedings in the law courts in Nanjinad be held in Tamil, there too the High Court do not think it at present expedient to make the change; and in that view the Government agree.

5. As regards the greater representation of Nanjinad Vellalas in the Judiciary, and the recruitment of Nanjinad Vellala vakils as Magistrates, I must say that every effort is being made to distribute the appointments fairly and evenly with due respect to the most important consideration of all—efficiency.

6. I may say that there is no distinction in the matter of recruitment to the service generally, of B. L. 's practising before the High Court and those practising before the District Courts at present.

7. Your suggestion regarding the appointment of Munsiff-Magistrates is a good suggestion which the Government will consider.

28. Traders and their difficulties.

MR. RAMASUBBU CHETTIYAR SIVATANU CHETTIYAR (*Member, Trading Classes, Nagercoil*) represented the following difficulties which the traders experienced in civil courts :—

(i) Where a shop-book or other account in current use was admitted in evidence in a suit, the courts did not return it to the party after making a copy of the entry relevant to the case as required by the rules. If such documents were not returned to the parties concerned, there was danger of the accounts being tampered with and of their being shown to others. Further, the courts ordered the production of all shop-books and accounts without specifying the entries relevant to the suit, so much so that the traders had to produce all their books.

(ii) Even though Nagercoil District Court had its Official Receiver, there was no insolvency case in which he had been able to pay the creditors any share of the moneys due to them. The Official Receiver, happening to be some retired officer or vakil, was not able to attend to the Receiver's duties in the midst of his own business. It was therefore suggested that Official Receivers might be recruited from among the unemployed B. L. 's, giving them better pay if found necessary.

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